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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 JUL 14 AM 10:48

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Jesus PONCE

AKA: Jose Jesus PONCE-Hernandez

Defendant

Magistrate Case No. _____

DEPUTY

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326

Attempted Entry After

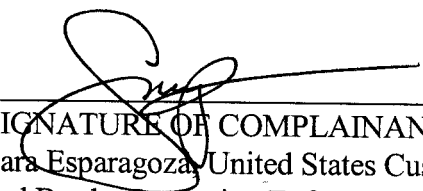
Deportation

'08 MJ 2135

The undersigned complainant being duly sworn states:

On or about **July 13, 2008** within the Southern District of California, defendant **Jose Jesus PONCE AKA: Jose Jesus PONCE-Hernandez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS **14th** DAY OF **July**,
2008.


UNITED STATES MAGISTRATE JUDGE

CATHY ANN BENCIVENGO
U.S. MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On July 13, 2008 at approximately 11:22 AM, **Jose Jesus PONCE AKA: Jose Jesus PONCE-Hernandez (Defendant)** applied for admission to the United States at the San Ysidro Port of Entry via the pedestrian primary lanes. Defendant presented a Permanent Resident Card and told a Customs and Border Protection (CBP) Officer that he was on his way to Los Angeles, California. The CBP Officer received an automated computer generated referral and subsequently referred Defendant to secondary for further inspection.

In secondary, a CBP Officer queried Defendant's fingerprints through the Integrated Automated Fingerprint Identification System (IAFIS) and Automated Biometric Identification System (IDENT). The officer received a positive match, confirming Defendant's identity and linking him to FBI and Immigration Service records.

Immigration Service records indicate Defendant is a citizen of Mexico without legal rights or entitlements to enter into, pass through, or reside in the United States. Queries through the Central Index System (CIS) and the Deportable Alien Control System (DACS) confirmed that Defendant was ordered removed from the United States by an Immigration Judge on or about May 19, 2006 and was physically removed via San Ysidro, California on May 26, 2006. Service Records indicate Defendant was last physically removed from the United States on July 7, 2008 through the Calexico Port of Entry. Immigration records indicate Defendant has neither applied for nor received permission from the United States Attorney General or the Secretary of Homeland Security to legally reenter the United States.